P.R. No. 2155/05
Presented by Shri Sameer Bohra
dated 11.8.05

(1)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR: C.G.

M.C.C. No.176 Of 2005

(Arising out of Civil Revision No.163 Of 1999)

AN APPLICATION FOR RESTORATION OF CIVIL REVISION NO.163/1999 "BHUDHAR PRASAD Vs. STATE BANK OF INDIA & OTHERS",DISMISSED IN DEFAULF ON 12.7.2005 BY HON'BLE SHRI S.K.SINHA-J

Applicant : Bhudhar Prasad Sharma S/o Shri Kedar Nath Sharma,aged about 56 years, Proprietor M/s Sharma Saw Mill, Pachpedi Naka, Raipur (C.G.)

Vs.

Non-applicants : 1) State Bank Of India,
Through its Branch Manager, Main Branch, Raipur

2) Indarchand Dhariwal C/o M/s Ajay Chemicals, Near City Kotwali, Sadar Bazar, Raipur

The applicant submits as under:-

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... MCC-176/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

11.12.2006

Shri Ratan Pusty, Counsel for the applicant.

Shri Gautam Bhaduri, Counsel for respondent No.1.

None for respondent No.2, though served.

Arguments on this MCC heard.

The Civil Revision No.163/99 was dismissed for want of prosecution as neither the applicant nor the respondents had caused their appearance on 12/7/2005, when the matter was called out.

A perusal of the impugned order would show that after receiving of this Civil Revision from the High Court of Madhya Pradesh, Jabalpur, SPC was directed to be issued to the applicant as well as counsel for the applicant for a date to be fixed by the office. In compliance of the aforesaid direction, SPC was issued to the applicant as well as counsel for the applicant, but even after issuance of the SPCs, since nobody caused appearance before this Court on behalf of the applicant, the aforesaid order for dismissal for want of prosecution was passed.

Learned counsel for the applicant submits that the applicant was fully prepared to appear before this Court, but since he could not reach Bilaspur in time, he was not able to make arrangements for representation in his case.

The explanation given in para 3 of the restoration petition is supported by an affidavit of the applicant himself.

In view of the above, the petition is allowed.

The Civil Revision No.163/1999 is restored to its original number.

It be listed for consideration **in the month of January 2007**.

MCC No.176/2005 stands disposed of.

Sd/-
Sunil Kumar Sinha
Judge

P.T.O.